

CITY OF HERMOSA BEACH
RESOLUTION NO. 24-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN (23-01) AND VARIANCE (23-03) FOR A NEW 975-SQUARE-FOOT SINGLE-FAMILY DWELLING WITH A VARIANCE TO ALLOW A NINE-FOOT GARAGE SETBACK INSTEAD OF 17 FEET AND A VARIANCE TO ALLOW THE REQUIRED OPEN SPACE TO BE PROVIDED IN A DIFFERENT RATIO THAN REQUIRED; AND A PARKING PLAN TO ALLOW A RECONFIGURED GUEST PARKING SPACE AT 435 8TH STREET IN THE MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE, AND DETERMINATION THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, an application was filed on April 21, 2023, by the applicant Shad Peck, requesting Planning Commission approval of a Parking Plan (23-01) and Variance (23-03) to allow a newly constructed 975-square-foot single-family dwelling, with a less than required garage setback, reconfiguration of required open space, and a reconfigured guest parking space; and

WHEREAS, the Planning Commission, at its public meeting of May 21, 2024, considered all testimony and evidence, both oral and written, that was presented to the Planning Commission; and

WHEREAS, pursuant to Section 15300.2(f) of the California Environmental Quality Act (CEQA), a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. Additionally, the City's General Plan, PLAN Hermosa, Environmental Impact Report (EIR) includes Mitigation Measures establishing that the City shall require project applicants of discretionary projects to conduct historical resources studies, surveys, and assessment reports on a project-by-project basis, when a project proposes to alter, demolish, or degrade a designated landmark or a potential historic landmark, as defined by HBMC Chapter 17.53 (Historic Resources Preservation). Accordingly, the applicant provided a historical resource report, to verify whether the more than 40 years old existing residence is historically relevant, prepared by qualified individuals, consistent with the Secretary of the Interior's Professional Qualification Standards

for Archaeology and Historic Preservation. The report found the property was not eligible under all state and local designation criteria due to a lack of significant historical associations and architectural merit. Therefore, the project is categorically exempt from the California Environmental Quality Act defined in CEQA Section 15303 Class 3 New Construction or Conversion of Small Structures, as the project consists of construction of one single-family residence in a residential zone. Moreover, none of the exceptions to the categorical exemption(s) apply, nor would the project result in a significant cumulative impact of successive projects of the same type in the same place over time or have a significant effect on the environment due to unusual circumstances or damage a scenic highway or scenic resources within a state scenic highway.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Based on the foregoing factual findings, the Planning Commission determined, pursuant to Hermosa Beach Municipal Code (HBMC) Section 17.54.020 (Variances), that the property is subject to exceptional circumstances and proposes deviations from the municipal code which are consistent with PLAN Hermosa:

A. Exceptional circumstances applicable to the property involved;

The project site is a 1,010-square-foot lot located within the R-3 Zone. Further, the property dimensions are 40.40 feet deep and 25 feet wide. To satisfy the required garage setback depth (17 feet), the interior garage dimensions (20 feet deep), and the required rear yard setback (5 feet), the lot depth would have to be 42 feet. The lot depth is 1.6 feet less than the minimum lot depth required to fit the garage in compliance with all setbacks, though access to living area above is not included. The applicant requests a nine-foot garage setback to provide sufficient space for a stairway to access the floor above and to accommodate a guest parking space parallel to the garage door. Where providing 17 feet is not possible, nine feet allows for a guest space onsite, in a modified configuration, resulting in the property conforming with the total parking required for a single-family residence, and provide property access to the primary residence.

The project proposes 182 square feet of open space. The project proposes a reconfiguration of where open space counts, resulting in a total of 300 square feet open space, consistent with the minimum required for the zone. Even when reconfigured, providing open space is significant in ensuring access to clear air and sunlight between adjacent properties. The proposed unit is 975 square feet, and if the project satisfied the open space requirement as defined per HBMC 17.16.080, the unit would be even smaller. The subject property provides a smaller floor area ratio (FAR) than other R-3 properties. FAR describes the amount of living area compared to the lot size of the property. 182 2nd Street has a FAR of 1.45, and 132 Neptune Avenue has an FAR of 1.78, while the subject property proposes an FAR of 0.97. Providing open space in a conforming configuration would further limit the FAR of the subject property and would further separate the subject property from normal development patterns of the R-3 zone. The limited size of the lot and the need for functional living space is justification to allow the variance for reconfigured open space. The project if granted a variance, would provide a minimum 300 square feet of open space in an alternative configuration, meeting the intent of the code and the property owners would enjoy the benefits of private outdoor space.

The current structure on the property is 480 square feet. The minimum lot area per dwelling unit in the R-3 zone is 1,320 square feet. Staff reviewed all R-3 lots across the city and found the median lot size for the R-3 zone is 3,810 square feet. Of 1,747 R-3 Zoned lots in the city, the subject property is the 15th smallest property; falling within the smallest one percent of R-3 lots. Further, the project proposes 975 square feet of living area. If the project were to meet the required open space ratio, the total living area would be at most $975 - 200 = 775$ square feet. The project as proposed attempts to satisfy development standards or the intent of the standards despite the lot area and dimensions creating exceptional circumstances.

B. That the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity of the subject property:

The depth of the lot cannot accommodate the required garage setback depth (17 feet), the interior garage dimensions (20 feet deep), and the required rear yard setback (5 feet). The applicant requests a Variance

allowing a nine-foot garage setback. Without a variance, the property would not be able to provide parking in accordance with the Zoning Ordinance. The Variance provides the property owner the ability to meet setback requirements, while also providing covered parking, consistent with what neighboring properties have available. Further, a nine-foot setback would allow a guest parking space consistent with alley-adjacent parking— minimum 9 feet wide by 22 feet long, oriented parallel to the garage, as outlined by HBMC 17.44.100(B)(2).

The limited living area per floor supports the need for allowing more than 100 square feet of roof deck to be counted towards the 300 square feet open space requirement for the property. The current structure on the property is 480 square feet. Staff reviewed all R-3 lots across the city and found the median lot size for the R-3 zone is 3,810 square feet. Of 1,747 R-3 Zoned lots in the city, the subject property is the 15th smallest property; falling within the smallest one percent of R-3 lots. Further, the project proposes 975 square feet of living area. If the project were to meet the required open space ratio, the total living area would be at most $975 - 200 = 775$ square feet. The subject property would have a ratio of living area to open space equal to 2.5 square feet, where each 2.5 square feet for living area would have one-square-foot of open space (775 square feet living area divided by 300 square feet of open space). In comparison, the property with the median lot size for the R-3 zone, 182 2nd Street, developed with two condominiums, has a ratio of 18.5 square feet of living area for each square foot of open space (5,541 square feet living area divided by 300 square feet of open space). In addition, the property within the 0.9th percentile for lot size, 132 Neptune Avenue, developed with a single-family residence, has an open space ratio of 18.73. 132 Neptune Avenue has one garage parking space, and has nonconforming setbacks, and open space.

C. That the variance will not be materially detrimental to the public welfare injurious to the property or improvements in the vicinity and zone in which the property is located:

The requested 9-foot garage setback would provide enough separation between the right-of-way and the garage to accommodate a guest parking space. Vehicles exiting the garage would have limited visibility of pedestrians on the sidewalk beyond the threshold of the garage. Staff

found the proposed reduced setback maintains a balance between accommodating the proposed project and preserving public interests such as public safety. Further, the reconfigured parking layout would bring the project in compliance with the minimum parking requirements for the R-3 zone. The property is located in the Coastal Zone and proposes 3 off-street parking spaces. The new development would reduce strain on public parking inventory and would allow greater access to the Coastal Zone.

Allowing more than 100 square feet of deck space to count towards the 300 square feet minimum for the site, would not pose a substantial risk to public welfare or the subject property. The project proposes to satisfy all setback requirements, remain within the allowable height for the zone, and provide private open space in a manner that would allow full use of private property.

D. That granting of the variance will not conflict with the provisions of, or be detrimental to, the general plan:

The project as proposed; eliminates existing nonconforming conditions that make the property inconsistent with PLAN Hermosa and proposes a new development which incorporates characteristics of the Sand Section Neighborhood.

The project eliminates existing nonconforming conditions that make the existing residence inconsistent with PLAN Hermosa. Specifically, the existing residence includes a front yard patio which extends beyond private property into the right-of-way. Further, the project complies with all building setback requirements, where the existing structure is nonconforming to all setbacks. Though the project includes a deviation from some development standards, staff found the proposed reduced garage setback consistent with similar small lots and found the setback would provide enough separation from the right-of-way to ensure pedestrian safety.

Additionally, the project proposes three off-street parking spaces. The property is located in the Coastal Zone, on a block with no on-street parking directly available. In the context of the Coastal Act's mandate for coastal access retention, the project proposes removing reliance on

public resources in an impacted area. Where the site no longer relies on public parking to access the property, the general public gains an additional three spaces within close proximity of the beach.

Finally, the proposed project attempts to satisfy minimum requirements for new development in the City, in a way that is consistent with Plan Hermosa. Specifically, the project proposes a similar scale and mass to adjacent properties within the Sand Section neighborhood. The project includes building articulation facing 8th Street, and attempts to satisfy minimum open space requirements in a manner consistent with the desired form and character described by PLAN Hermosa.

SECTION 2. Based on the evidence received at the public meeting, the Planning Commission hereby further finds, determines, and declares that the project is consistent with the City's General Plan (PLAN Hermosa). Specifically, the Variance and Parking Plan are consistent with Goals 1, 2, 4, and 10 of the Land Use Element, Goal 7 of the Sustainability and Conservation Element, and Goal 5 of the Parks and Open Space Element.

Goal 1. Create a sustainable urban form and land use patterns that support a robust economy and high quality of life for residents.

Policy:

- **1.6. Scale and context. Consider the compatibility of new development within its urban context to avoid abrupt changes in scale and massing.**

The project is within permitted lot coverage standard for the R-3 zone. Further, the project meets rear and side yard setback requirements for the zone. The property is located in the Sand Section Neighborhood, which discourages box-like front facades, in favor of more articulated designs. The project provides façade articulation along 8th Street, to reduce visual indications of massing of the structure consistent with the desired form and character of the neighborhood.

Goal 2. Neighborhoods provide for diverse needs of residents of all ages and abilities, and are organized to support healthy and active lifestyles.

Policy:

- **2.5. Balanced neighborhoods. Promote a diverse range of housing unit types and sizes within the allowed densities.**

The site is currently developed with a single-family residence, nonconforming to most development standards. The project is located in the Sand Section Neighborhood, which accommodates an integrated mixtures of housing types. The proposed new single-family residence is a use consistent with the zone and general plan designation. The project retains the uniquely small size of the existing unit, while eliminating some nonconforming conditions.

Goal 4. A parking system that meets the parking needs and demand of residents, visitors, and employees in an efficient and cost-effective manner.

Policy:

- **4.2. Encourage coastal access. Ensure parking facilities and costs of such facilities are not a barrier to beach access by the public.**

The existing residence has no onsite parking. The project proposes adding two covered parking spaces and one guest space. The project reduces overreliance on public parking to accommodate a residential use and satisfies the minimum required parking for the onsite use. The project proposes removing a nonconforming condition and creates more availability of public parking in the Coastal Zone.

Goal 10. A strong sense of cultural and architectural heritage.

Policies:

- **10.6. History and cultural heritage. Support and encourage efforts to document and share the cultural heritage and history of Hermosa Beach.**

The site is currently developed with a single-family residence constructed in 1923. The applicant provided a historic resource report prepared by a qualified professional, pursuant to the Secretary of interior's Professional Qualification Standards for Archaeology and Historic Preservation. The report found the property was not eligible under all state and local designation criteria due to a lack of significant historical associations and architectural merit.

10.10. Archaeological and paleontological resources. Recognize the prehistory and history of the city and strive to identify, protect, and preserve archaeological and paleontological resources.

The site is currently developed with a single-family residence constructed in 1923. The applicant provided a historic resource report prepared by a qualified professional, pursuant to the Secretary of interior's Professional

Qualification Standards for Archaeology and Historic Preservation. The report found the property was not eligible under all state and local designation criteria due to a lack of significant historical associations and architectural merit.

Goal 7. Essential topsoil is retained and erosion is minimized.

Policy:

- **7.1 Permeable pavement. Require the use of permeable pavement in parking lots, sidewalks, plazas, and other low-intensity paved areas.**

A condition of approval is proposed to require the project incorporate, where feasible, permeable pavers in the required driveway and setback areas which are not proposed as landscaping.

Goal 5. Scenic vistas, viewpoints, and resources are maintained or enhanced.

Policy:

- **5.7. Light pollution. Preserve skyward nighttime views and lessen glare by minimizing lighting levels along the shoreline.**

A condition of approval is proposed is to require all exterior lighting be downcast to limit impacts to nighttime views and adjacent properties.

Section 3. Based on the foregoing, the Planning Commission hereby approves the subject Parking Plan (23-01) and Variance (23-03), subject to the following Conditions of Approval:

- 1. The development and continued use of the property shall be in conformance with submitted plans received and reviewed by the Planning Commission at its meeting of May 21, 2024. The Community Development Director may approve minor modifications that do not otherwise conflict with the HBMC or requirements of this approval.**
- 2. Approval of Variance 23-03 shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless modified herein, the project shall fully comply with all requirements of the R-3 Zone as applicable of the Municipal Code, except for the following provisions under this Resolution:**
 - a. The setback, measured from the front property line, shall be a**

- minimum of 9 feet, to accommodate required guest parking.
- b. The required open space onsite shall be portioned as described. Minor changes to the approved reportioned open space may be approved, subject to Community Development Director approval:
 - i. 82 square feet provided on a third-floor deck.
 - ii. 218 square feet provided on a roof deck.
 3. The required parking shall be configured as demonstrated in Exhibit A. The required guest parking space located directly parallel to the garage door, shall be a minimum 9 feet wide by 22 feet long . No portion of the provided guest parking shall occupy or impede the adjacent right-of-way.
 4. Prior to building permit issuance, the applicant shall demonstrate that the California Coastal Commission has approved the project under the Coastal Development Permit process.
 5. The project shall comply with all requirements of the City of Hermosa Beach Building Division, Public Works Department, Los Angeles County Fire Department, and the HBMC, unless otherwise described under this Resolution.
 6. The applicant shall comply with all applicable Mitigations Measures of the General Plan Program EIR (SCH No. 201581009) as adopted by the City Council including:
 - a. Construction projects within the city shall demonstrate compliance with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - i. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - ii. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - iii. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

- iv. All dirt/soil loads shall be secured by trimming, watering, or other appropriate means to prevent spillage and dust.
 - v. All dirt/soil materials transported off-site shall be required to cover their loads as required by California Vehicle Code Section 23114 to prevent excessive amount of dust.
 - vi. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - vii. Trucks having no current hauling activity shall not idle but shall be turned off (MM 4.2-2A).
- b. In accordance with Section 2485 in Title 13 of the California Code of Regulations, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to 5 minutes at any location (MM4.2-2b).
- c. Construction projects within the city shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings (MM 4.2-2c).
- d. For any project where earthmoving or ground disturbance activities are proposed at depths between 15 and 35 feet that encounter older Quaternary terrace deposits, a qualified paleontologist shall be present during excavation or earthmoving activities.
- e. If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the City. The project applicant(s) shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered (MM 4.4-3).
- f. For development located at a distance within which acceptable vibration standards pursuant to the Table 4.11-10 of the General Plan Program EIR, included below, the applicant shall submit a report

prepared by a qualified structural engineer demonstrating the following:

- i. Vibration level limits based on building conditions, soil conditions, and planned demolition and construction methods to ensure vibration levels would not exceed acceptable levels where damage to structures using vibration levels in Draft EIR Table 4.11-4 as standards.
- ii. Specific measures to be taken during construction to ensure the specified vibration level limits are not exceeded.
- iii. A monitoring plan to be implemented during demolition and construction that includes post- construction and post-demolition surveys of existing structures that would be impacted. Examples of measures that may be specified for implementation during demolition or construction include but are not limited to:
 1. Prohibition of certain types of impact equipment.
 2. Requirement for lighter tracked or wheeled equipment.
 3. Specifying demolition by non-impact methods, such as sawing concrete.
 4. Phasing operations to avoid simultaneous vibration sources.
 5. Installation of vibration measuring devices to guide decision-making for subsequent activities (MM 4.11-2).

General Plan Program EIR TABLE 4.22-10 Typical Vibration Source Levels for Construction Equipment		
Equipment	Vibration Velocity Level at 25 Feet, in/sec	Distance from Equipment Within Which Standard is Exceeded
Pile driver (impact)	0.158	158 feet
Pile driver (sonic)	0.045	68 feet
Clam shovel drop (slurry wall)	0.050	74 feet
Hydro mill (slurry wall)	0.002-0.006	9-17 feet
Vibratory roller	0.050	74 feet
Hoe ram	0.022	43 feet
Large bulldozer	0.022	43 feet
Caisson drilling	0.022	43 feet
Loaded trucks	0.020	40 feet

Jackhammer	0.009	24 feet
Small bulldozer	0.001	5 feet

Building Plans:

7. Two copies of a Final Landscape Plan, consistent with landscape plans approved by the Planning Commission, indicating size, type, quantity, and characteristics of landscape materials shall be submitted to the Community Development Department for review and approval prior to the issuance of Building Permits. The Final Plan shall also include the following:
 - a. The applicant shall provide a landscape plan to comply with Sections 17.22.060(H), 8.60.060, and 8.60.070 to the satisfaction of the Community Development Director and Public Works Director.
 - b. An automatic landscape sprinkler system consistent with Section 17.22.060(H) shall be provided and shall be shown on plans (Building Permits are required).

8. The plans shall comply with Section 8.44.095 and install permeable surfaces in the driveway, guest parking space and other non-landscaped areas to the maximum extent feasible. If providing water-permeable surfaces on at least 50% of exterior surface area is not feasible and incorporating measures in 8.44.095 to the extent practicable to infiltrate the volume of runoff produced by an 0.80-inch twenty-four (24) hour rain event, then the applicant shall infiltrate runoff on-site. In the event that subsurface infiltration is required, plans shall designate the exact location of the subsurface infiltration system, the applicant shall enter into a maintenance agreement with the City (prior to Final map approval) for the ongoing infiltration and provide a surety bond to the City to guarantee that on-site, subsurface infiltration is achieved. The amount of the bond shall be determined by the Building Division. All other drainage shall be routed to an off-site facility or on-site permeable area approved by the City. To the extent possible, a portion of roof drainage shall be routed to on-site permeable areas. No drainage shall flow over any driveway or sidewalk.

9. All proposed exterior lighting shall be downcast.

10. The plans and construction shall comply with all requirements of the Building Code in Title 15 and Green Building Standards in Chapter 15.48. Water conservation practices set forth in Section 8.56.070 shall be

complied with and noted on construction plans.

11. Final construction plans, including site, elevation, and floor plans, shall be reviewed and approved by the Planning Division for consistency with Planning Commission approved plans and this Resolution prior to the submittal to the Building Division for Plan Check.

Prior to the submittal of structural plans to the Building Division for Plan Check an 'Acceptance of Conditions' affidavit and recording fees shall be filed with the Community Development Department stating that the applicant/property owner is aware of, and agrees to accept, all of the conditions of this grant of approval.

12. The applicant shall submit all required plans and reports to comply with the City's construction debris recycling program including manifests from both the recycler and County landfill; at least 65% of demolition debris associated with demolition of the existing improvements and new construction shall be recycled.

Public Works:

13. Civil engineering plans shall be prepared by a licensed civil engineer and conceptually approved by the Hermosa Beach Public Works Department prior to submitting an application for Building Permits to the Community Development Department. Complete civil engineering plans shall address grading, undergrounding of all utilities, pavement, sidewalk, curb and gutter improvements, on-site and off-site drainage (no sheet flow permitted), installation of utility laterals, and all other improvements necessary to comply with the Hermosa Beach Municipal Code and Public Works specifications, and shall be filed with the Community Development Department.
14. Civil engineering plans shall include adjacent properties/structures, sewer laterals, and storm drain main lines on street.
15. Project construction shall protect private and public property in compliance with HBMC Sections 15.04.070 and 15.04.140. No work in the public right of way shall commence unless and until all necessary permits are attained from the Public Works Department including if required, an approved Residential or Commercial Encroachment Permit.
16. Low Impact Development shall not be permitted in the encroachment area.

17. Trees located in the encroachment area or parkway shall comply with Chapter 12.36.

18. Sewer lateral video upstream and downstream manhole along with manhole rim/lid elevations must be submitted prior to grading and plan check. Sewer lateral video must be submitted with plan check submittal, if the developer plans to use the existing sewer lateral. Sewer lateral work may be required after review of the sewer lateral video.

19. Sewer lateral video must be submitted with plan check submittal if the developer plans to use the existing sewer lateral. Sewer lateral work may be required after review of the sewer lateral video.

20. Sewer main work may be required after review of sewer lateral video.

21. The project must comply with Storm Water and Urban Runoff Pollution Control Regulations (HBMC Chapter 8.44) and must implement Low Impact Development Standards, and submit at time of grading and plan check along with an erosion control plan.

Construction:

22. Prior to issuance of a Building Permit, abutting property owners and residents within 100 feet of the project site shall be notified of the anticipated date for commencement of construction.

a. The procedures for notification shall be provided by the Building and Safety Division of the Community Development Department.

b. Building permits will not be issued until the applicant provides an affidavit certifying mailing of the notice.

23. Project construction shall conform to the Noise Control Ordinance requirements in HBMC Section 8.24.050. Allowed hours of construction shall be printed on the building plans and posted at construction site.

24. Traffic control measures, including flagmen, shall be utilized to preserve public health, safety, and welfare.

25. A construction sign shall be posted conspicuously during the course of construction at the project site.

Other:

26. Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or

improvements or the use authorized hereby has commenced. One or more extensions of time may be requested. No extension shall be considered unless requested, in writing to the Community Development Director including the reason therefore, at least 60 days prior to the expiration date. No additional notice of expiration would be provided.

27. The Planning Commission may review this Parking Plan and Variance, and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

28. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this permit and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

29. To the extent permitted by law, Permittee shall defend, indemnify and hold harmless the City of Hermosa Beach, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice. The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this permit. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

PASSED, APPROVED and **ADOPTED** on this Tuesday the 21st of May, 2024.

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 24-06 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at its regular meeting of May 21, 2024.

Peter Hoffman, Chair

Carrie Tai, Secretary

Date

Exhibit A – Required Parking Configuration

